



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/356,148	07/19/1999	RAYMOND E. OZZIE	G0008/7004	7411

21127 7590 10/04/2002

KUDIRKA & JOBSE, LLP
ONE STATE STREET
SUITE 1510
BOSTON, MA 02109

EXAMINER

CHOUDHARY, ANITA

ART UNIT	PAPER NUMBER
----------	--------------

2153

DATE MAILED: 10/04/2002

7

Please find below and/or attached an Office communication concerning this application or proceeding.

RA

Office Action Summary

Application No.

09/356,148

Applicant(s)

OZZIE ET AL.

Examiner

Anita Choudhary

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07/19/1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2153

DETAILED ACTION

Election/Restrictions

Applicant's election of claims 1-16 in Paper No. 6 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 17-34 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made **without** traverse in Paper No. 6.

Claims 1-16 are presented for examination.

Claim Rejections - 35 USC § 112

Claim 7 recites the limitation "dependency identifier" in claim 7 line 3. There is insufficient antecedent basis for this limitation in the claim.

Applicant is advised that should claim 8 be found allowable, claim 9 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Berglund et al. Berglund et al. disclose a system for a multiplayer computer game having distributed game state running on a set of personal workstations connected by a network. (see page 30). The local network device participating in the game having as claimed in claim 1:

- A local memory for storing data in accordance to the data model (page 34 col. 2).
- A game manager (referred to in claim as data-change engine) for maintaining and controlling local copy of data, and responsive to local and remotely generated data change requests (page 34 col. 2,3; page 35 col. 1,2).
- Helper processes (dynamics manager) coupled to the game manager (data change engine) for responding to the data change requests also referred to as events of various types causing the making and remaking of changes (page 34 col. 2,3; page 35 col. 1,2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2- 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berglund et al in view of Niblett.

In referring to claim 2, 3, 12, 14, 15 Although the Berglund et al. discloses a substantial features of the invention, as discussed above, Berglund et al do not show the priority scheme involving sequence numbers as disclosed by applicant.

Nonetheless, such a priority scheme is known in the art and would have been an obvious modification of the system disclosed by Berglund et al., as evidenced by Niblett.

In an analogous art, Niblett also discloses a network of nodes communicating on a shared copy of data consisting of data change requests or updates generated by users in the network (see Abstract). Niblett discloses a priority scheme for updating local copies data consisting of:

- Encoding the update (data change request) with a permit number and wherein the receiving node is responsive to this permit number for determining the order in which the update is made (col. 6 line 41- col. 7 line 45).

Given this priority scheme taught by Niblett, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Berglund et al by employing the well known or conventional priority scheme disclosed by Niblett in order to more completely serialize updates (see Niblett background).

Art Unit: 2153

In referring to claim 4, Niblett shows a permit token having the permit number and identity of sending node being received by receiving node (see fig. 5; col. 8 lines 31-36).

In referring to claim 5, Niblett shows a node (endpoint) identifier (header information) corresponding to the node making an update (col. 8 line 31-36).

In referring to claim 6 Niblett shows node relative permit numbers to sequence updates to be performed by remote nodes (col. 8 line 64- col. 9 line 8).

In referring to claim 7, examiner interprets "dependency identifier" to identify the order of an update in relation to all other updates in the communications network. Niblett shows an update level is disclosed for changing of data (col. 6 line 64- col. 7 line 17).

In referring to claim 8, 9, and 13, Niblett shows the update level specifies the update on which it depends by incrementing the update level by one. Therefore update is dependent on the update received just before it (col. 6 line 64- col. 7 line 46).

In referring to claim 10, and 16 Niblett shows the do, undo and redo operations in relation to other update on which the present update depends (col. 7 lines 26- 46).

In referring to claim 11, see rejection for claim 6-10 disclosed above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita Choudhary whose telephone number is (703) 305-5268. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone numbers for the

Application/Control Number: 09/356,148

Page 6

Art Unit: 2153

organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

AC
September 30, 2002



GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100